

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY  
OF NEW JERSEY,

Respondent,

-and-

Docket No. CI-2019-031

AAUP - BIOMEDICAL AND HEALTH SCIENCES  
OF NEW JERSEY,

Respondent,

-and-

DR. GAETANO G. SPINNATO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the refusal of the Director of Unfair Practices to issue a complaint, D.U.P. 2020-8, 46 NJPER 75\_ (¶308 2020), on allegations of the Charging Party about a variety of conduct by the Respondent, Rutgers, the State University of New Jersey, and the Respondent union, AAUP- Biomedical and Health Sciences of New Jersey, arising from a dispute concerning compensatory time off for holidays that fell on his day off and disputes regarding revoking his membership in the union. The Commission sustains the Director's refusal to issue a complaint for the reasons set forth in his Decision. The Commission adds that, on appeal, the Charging Party has not stated a factual or legal basis for concluding that he was prevented from filing his complaint within the six-month statute of limitations; and that otherwise the Charging Party seeks to relitigate the merits of a breach of contract claim, over which the Commission lacks jurisdiction and which does not state an unfair labor practice. Lastly, the Commission finds that the Director addressed in detail the Charging Party's dues revocation request.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission. The Commission further finds that the record does not support that the transfer was effected predominately to fill a staffing need at another school.

P.E.R.C. NO. 2020-45

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLESEX BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2020-009

MIDDLESEX EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Middlesex Board of Education for a restraint of binding arbitration of a grievance filed by the Middlesex Education Association. The grievance contests the withholding of a teacher's salary increment. Finding that the Board's statement of reasons for the increment withholding was the grievant's alleged excessive absenteeism, the Commission holds that the withholding is not predominately related to an evaluation of teaching performance and is therefore legally arbitrable.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 2020-46

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COLTS NECK TOWNSHIP,

Petitioner,

-and-

Docket No. SN-2020-012

TEAMSTERS LOCAL 11,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Township's request for a restraint of binding arbitration of Local 11's grievance alleging the Township violated the parties' CNA when it reduced the hours of the Secretary to the Director of Public Works from 37.5 hours per week to 35 hours per week without a reduction in pay. The Commission concludes that the Township's unilateral change to the Secretary's schedule is mandatorily negotiable and legally arbitrable as the Commission has consistently held that changes to individual work schedules are mandatorily negotiable absent a showing that negotiation over the schedule change would limit governmental policy determinations.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 2020-47

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LACEY,

Petitioner,

-and-

Docket No. SN-2020-020

TEAMSTERS LOCAL 97,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the Township's request for a restraint of binding arbitration of the Local 97's grievance alleging violation of the parties' CNA when it continued to assess health care contributions pursuant to Tier Four of Chapter 78 following the expiration of the parties' 2016-2018 CNA and during negotiations for the successor CNA. The Commission finds that N.J.S.A. 40A:10-21.2 statutorily preempts arbitration as its plain, unambiguous language sets Tier Four health care contribution levels, following full implementation of Chapter 78 in the parties' expired CNA, as the status quo during pending negotiations for the parties' successor agreement.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 2020-48

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WILLINGBORO BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-2020-030

WILLINGBORO EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Willingboro Board of Education for a restraint of binding arbitration of grievances filed by the Willingboro Education Association. The grievances contest alleged violations of teacher evaluation procedures required by the collective negotiations agreement as well as Board policies and education law. The Commission finds that alleged violations of evaluation procedures that are not preempted and do not impair a school board's ability to evaluate staff performance are mandatorily negotiable. The Commission also finds that disputes regarding the application of state education statutes and regulations concerning evaluation procedures are arbitrable. Finding that the potential enforcement of the procedural requirements alleged by the Association would not significantly interfere with the Board's right and duty to evaluate, the Commission holds the grievances legally arbitrable.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.